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Cooperation and Verification Mechanism and ten years
after the entry into force of the new criminal legislation**

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Crime in Romania. One year after the lifting of the Cooperation and Verification Mechanism and ten years after the entry into force of the new criminal legislation

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Abstract: The author examines the evolution of crime in Romania during the period 2007-2024, taking into account the moment of Romania's accession to the European Union and the implementation of the Cooperation and Verification Mechanism, on the one hand, and on the other hand, taking into account the moment of the entry into force of the new Criminal Code, 1 February 2014. At the same time, the author also examines the efficiency of the mechanisms for preventing and combating crime during the period under analysis.

Keywords: Cooperation and Verification Mechanism; European Union; crime in Romania; efficiency; judicial reform.

Introductory considerations

1 January 2024 marks one year since the European Commission lifted the Cooperation and Verification Mechanism established upon Romania's accession to the European Union in 2007.

The Cooperation and Verification Mechanism was a process of regular verification of the progress that Romania and Bulgaria have made during their accession and integration into the European Union, regarding the judicial reform.

For the first time in relations between the European Union and its Member States, this verification process was established in December 2006, to provide assistance to Romania and Bulgaria, regarding the judicial reform.

The benchmarks set for Romania were:

- I. Ensuring a more transparent and efficient administration of justice, in particular by strengthening the capacity and accountability of the Superior Council of Magistracy; reporting on and monitoring the impact of the new Civil and Criminal Procedure Codes.
- II. Establishing an integrity agency, with responsibilities in verifying incompatibilities and potential conflicts of interest, with the role of issuing binding decisions, on the basis of which dissuasive sanctions can be applied.

III.Based on the progress made so far, continuing to conduct professional and impartial investigations into high-level corruption.

IV.Adopting additional measures to prevent and combat corruption.

Although the Cooperation and Verification Mechanism was to run for a period of 3 years, for Romania the European Commission recommended its termination on 22 November 2022.

1st February 2024, marked 10 years since the entry into force of the Criminal Code and the Criminal Procedure Code. These two events constituted a good opportunity to analyze crime in Romania, the trends it manifests and the directions in which it evolves.

The Criminal Code, which entered into force on 1 February 2014, introduced the formal legal definition of crime instead of the substantial one, provided in the Romanian Criminal Code of 1968, reintroduced the justificatory causes and the causes of non-imputability, provided for in the Romanian Criminal Code of 1936, instead of the causes that remove criminal liability, provided for in the previous Criminal Code, reduced the amount

of penalties on average by 50%, but provided for much more severe sanctions in the case of plurality of crimes. In the case of minors, it provided only educational measures, not punishments. The Criminal Procedure Code provided for a greater number of preventive measures, introduced the preliminary chamber and the plea agreement.

Crime is the totality of offenses committed on a certain territory in a given period. Crime is an objective social phenomenon, omnipresent in contemporary society, which national states strive to keep under control.

Criminology currently uses several concepts: “*real crime*”, which encompasses all crimes actually committed in a given territory, in a given period, regardless of their nature and gravity and the number of perpetrators; “*discovered or apparent crime*”, which includes all crimes that have come to the attention of the judicial bodies and regarding which they carry out activities aimed at holding the guilty criminally liable; “*legal or judicial crime*”, which includes all crimes for which final court decisions of conviction have been issued. The difference between real crime and discovered crime represents the “black figure of crime”, the totality of crimes that have remained undiscovered and which each country strives to reduce as much as possible (Antoniou, Bulai, 2011).

Emile Durkheim (1858-1917) considered crime a normal social phenomenon and insisted on the need to understand and analyze crime not by itself, but always in relation to a culture determined in time and space (Cassin, 2003). Continuing his idea, R. K. Merton wrote that the frequency of deviant behavior varies with social structures and that deviances do not have the same form in all societies (Szabo, 1970). For Romania and the European Union, the warning launched by Jean Pinnatel in 1971 is today more relevant than ever:

“Almost everywhere in the world, crime has crossed the threshold from which it ceases to be a residual phenomenon, to become a political phenomenon (...) a phenomenon characteristic of our society, in transformation, which must henceforth be the object of equal attention to that given to other social phenomena” (Pinatel, 1971).

The one-year anniversary of the European Commission's lifting of the Cooperation and Verification Mechanism (CVM), imposed on Romania upon accession to the European Union in 2007, marks the end of the transition period in the judicial field. It was therefore considered necessary for 15 years for the principles that constitute the foundation of the European area of security and justice to be generalized in legislation, practice and doctrine.

In the period 2009-2014, new codes were adopted and entered into force: civil code and civil procedure code, criminal code and criminal procedure code. On 1 February 2024, it will be 10

years since the new criminal legislation entered into force. This is therefore a good opportunity to examine the state, structure and dynamics of crime in Romania.

Method used

An analysis with a very broad spectrum, such as crime in a society like Romania, can only be done based on statistical data, according to the notoriety model of criminologists Andre-Michel Guerry (1802-1866) and Adolphe Quetelet (1796-1874) (Cassin, 2003).

Criminological research usually uses data provided by court statistics based on final court decisions. However, these have the disadvantage of being too far removed from the moment of the crime. Criminal prosecution lasts an average of 18 months, and the trial and appeal last between 36 and 48 months. The statistics closest to the moment of the crime are those of the police, but these are imprecise, because they do not indicate the correct solution, which is to be established by the prosecutor's office and ultimately by the courts. The best result, starting from these two characteristics, proximity to the moment of the crime and the correctness of the solution, is provided by the statistics of the Public Ministry.

In the following, we will analyze the statistical data provided by the Public Ministry and try to understand the structure and

dynamics of crime in Romania in 2024.

Apparent criminality

In 2023, 619.737 cases were registered and 545.600 were resolved, of which 48.338 through indictments and plea agreements, ordering the prosecution of 59.620 individual defendants and 272 legal entity defendants. The average number of defendants prosecuted per 100.000 inhabitants was 313, lower than 327, in 2022. The structure of crimes committed in 2023 was as follows:

- (a) against public safety – 40,7%
- (b) against property – 20,4 %
- (c) against the person – 19,2%
- (d) crimes provided in special laws– 10,8%
- (e) other crimes – 8,9%

The category of crimes provided in special laws includes:

- illicit drug trafficking and consumption, as well as offences under the periodic regime of precursors – 4,86%, of the total number of individual defendants brought to trial;

- tax evasion crimes – 1,02%;
- crimes provided in the forestry code – 0,95%;
- corruption crimes – 0,9%;
- smuggling crimes – 0,28%;
- crimes regarding intellectual property rights – 0,20%;
- Money laundering crimes – 0,11%;
- Crimes against the environment – 0,01%;
- Other crimes – 8,9%.

Crimes against the person had the following structure:

- a. 6,1% - murder;
- b. 7,1% - manslaughter;
- c. 50,1% - hitting or other violences;
- d. 7,6% - sexual intercourse with a minor;
- e. 4,4 % - bodily injury due to negligence;
- f. 2,9% - threat;
- g. 2,5% - incarceration;
- h. 2,1% - sexual assault.
- i. 1,8% - blackmail;
- j. 1,7% - pimping;
- k. 1,6% - bodily injury;
- l. 1,3% - human trafficking;

- m. 1,2% - minor trafficking;
- n. 1,1% - trespassing;
- o. 0,5% - blows or injuries causing death;
- p. 1,3 % - other crimes against the person.

Regarding *domestic violence*, 1.321 defendants were brought to trial. Of these, 262 were spouses, 124 parents and 278 children. *Crimes against property* comprised 20.4% of the total number of defendants brought to trial and had the following structure:

- a. 65,7% - theft;
- b. 15,8% - robbery;
- c. 9,1% - destruction;
- d. 7,7% - deception.

Crimes that affect social relationships regarding human social coexistence, with a number of 1.552 defendants, represented 2.6% of the total number of individual defendants brought to trial and had the following structure:

- a. 19 % - child pornography;
- b. 14,8% - family abandonment;
- c. 11,9% - formation of an organized criminal group;
- d. 1,9% - failure to comply with measures regarding the custody of the minor.

For corruption offenses 945 defendants were prosecuted, of which 509 by the National Anticorruption Directorate.

Quality of criminal prosecution procedures

The number of cases *to be resolved* decreased in 2023 by 98,000 cases compared to 2014, and the number of resolved cases decreased in 2023 by 128,582. The number of cases resolved by referral to court increased in 2023 by 11,734.

The number of cases resolved by not being prosecuted decreased by 140,316 compared to 2014. The number of cases remaining unresolved at the end of the year increased from 511,215 in 2014 to 701,125 in 2023. Practically, the stock remaining unresolved at the end of each year is greater than the resolution capacity of the prosecutor's offices for one year, in 2023 the Public Ministry units resolving 545,600 cases.

The number of cases with *unknown perpetrators* remaining unsolved decreased by 191,958 cases. The number of defendants in solved cases decreased by 68,477 compared to 2014, as did the number of suspects and defendants not brought to trial, which decreased to 77,755 suspects and defendants.

The number of cases resolved more than 1 year after notification increased by 31,447 cases, and the number of cases resolved after the statute of limitations expired decreased by 8,931 cases.

The number of defendants sent to trial through indictments and plea agreements is approximately equal: 7,040 in 2014 and 7,324 in 2023. The number of suspects and defendants who are individuals that were arrested on house arrest and not sent to trial increased considerably from 107 in 2007 to 452 in 2023.

The number of cases returned by the preliminary chamber and courts to the prosecutor experienced a modest increase from 161 cases in 2014 to 191 in 2023. The value of the damages caused by the defendants decreased from 4,638,110,154 lei in 2014 to 1,319,830,997 lei in 2023.

Trends in crime evolution

1) Crimes against the person experienced a moderate increase, from 9,462 in 2014, which represented 18.8% of the total number of defendants, to 11,455 defendants in 2023, which represents 19.2% of the total number of defendants. It should be noted that defendants brought to trial for murder decreased from 445 to 401 in 2023. There were decreases in assault or injury causing death (from 78 to 57), human trafficking (from 183 to 153), and trafficking in minors (from 350 to 142). There were increases in pimping (from 137 to 196) and rape (from 469 to 522).

The decrease in the number of murders during the period under study refutes the thesis launched by Maurice Cusson and his collaborators, according to which the number of murders increases with economic growth.

Romania has experienced a period of constant economic growth since 2004, the year in which the European Commission approved Romania's accession to the European Union, but the number of murders has not increased, but decreased. However, the thesis of the above-mentioned authors can be confirmed, according to which a decrease in the number of murders can occur in societies in which the share of people aged between 18 and 39 is decreasing, and this fact is visible in Romania, where many young people have opted for jobs in the European Union. (Cusson, 2003).

No additional preventive efforts were observed by the authorities during the analyzed period that would justify the decrease in the number of murders. Violence is “what goes against a system of norms assumed by a group or a society” (Corbin, 2008).

A study based on the analysis of homicide data from 44 countries around the world, between 1950 and 2000, links the process of democratization with the evolution of homicide rates. Thus, the results highlighted that the homicide rate increases

during periods of transition to democracy and decreases as democracy takes hold in society (La free, 2006).

Domestic violence is experiencing an increasing trend, mainly generated by the uncomfortable material situation of young couples and the instability of jobs, favored by alcohol consumption.

According to a study coordinated by the European Commission in 2010, between 6 and 10% of the female population of Europe is affected by domestic violence in the course of a year.

Romania has shown a constant concern for preventing and combating domestic violence, adopting since 2005, through Government Decision no. 686/2005, the national strategy in the field of preventing and combating domestic violence and established in 2010 a department with precise attributions within the General Directorates of Social Assistance and Child Protection subordinated to the county councils. The aforementioned strategy was updated by Government Decision no. 1547 of 19 December 2022.

2. Crimes against property have experienced significant decreases: theft, from 9,069 to 7,997, robbery, from 2,369 to 1,802, fraud, from 2,109 to 938. The number of crimes of destruction has increased, from 537 to 1,108.

We believe that there is a correlation between increasing economic stability and decreasing the number of crimes against property.

In 2022, Romania rose to 14th place in the European Union in terms of living standards, measured based on effective individual consumption (EIC/capita), according to data published by Eurostat, with a level of 88% of the Union average, immediately after Slovenia and above countries such as Ireland, Poland, Spain, Portugal, Malta or the Czech Republic.

In the more well-known version of measuring the standard of living, which consists of GDP/capita at standard purchasing power parity, Romania was at 77% of the European Union average, on par with Portugal and Hungary. However, it was ahead of Latvia (74%), Croatia (73%), Slovenia and Greece (68%), Bulgaria (59%) (Palangean, 2023).

Romania's economy has gone through a period of profound transformations in the last 30 years, with GDP increasing from approximately 26.6 billion euros in 1994 to 357 billion euros in 2024. Structural changes in the economy, foreign investment and accession to the European Union have led to strong economic growth in the last 3 decades (Tataru, 2025). The housing stock was 25% higher at the end of 2023 than in 1994, totaling 9.7 million homes. In Bucharest, the time to purchase a

55 sq m home is 8.5 years, compared to 18 years in Prague or 16 years in Budapest.

Upon joining the European Union in 2004, Romania had a purchasing power of 44% of the European Union average. In 2004, the gross minimum wage in Romania was 310 lei, in 2007 it was 390 lei, in 2024 it was 3,700 lei, about 10 times higher than at the time of accession. The average gross wage increased from 50 euros in 2000 to 1,730 euros in 2024 (Tomanciuc, 2024).

3. Crimes against state authority and borders remain at a constant level in terms of outrage (425 in 2014, 437 in 2023) and fraudulent border crossing (49 in 2014, 35 in 2023), but experience significant increases in terms of migrant smuggling, which increases from 105 in 2014 to 467 in 2023.

4. Corruption crimes increased in terms of bribery (from 127 to 154) and influence peddling (from 37 to 80), but decreased in terms of bribery (from 291 to 107) and remained constant in terms of influence peddling (from 65 to 70).

Corruption is a phenomenon with multiple social, political and economic implications, difficult to control in countries without political and economic stability.

The Corruption Perception Index (CPI) published by Transparency International shows that the global picture has deteriorated in the last 12 years, with fewer countries improving their indicators than regressing. In the European Union, the average score worsened by 2 points compared to 2023, reaching 62/100, with countries such as Germany (CPI score 75/100), Italy (54/100), France (67/100), Spain (56/100), Slovakia (49/100) and Hungary (41/100) recording negative trends, while others, such as Romania (46/100), stagnated below the EU average (Atakan, 2025).

After the establishment of the National Anticorruption Directorate in 2003, Romania has recorded constant successes in the fight against corruption, has provided consultancy to states in the region in combating corruption and is still in search of relevant policies and procedures in preventing and combating corruption.

5. Crimes related to drug trafficking and illicit consumption have experienced a significant increase, with the number of defendants brought to trial being 2,897 in 2023, more than double the 1,241 in 2014. It is one of the few categories of crimes for which a red signal must be lit, meaning that preventive activities in middle schools, high schools, universities must be intensified.

At the end of 2024, the National Anti-Drug Agency was abolished, being replaced by the National Agency for Coordination and Policies in the Field of Drugs and Addictions, led by a secretary of state and subordinated to the prime minister. The anti-drug activists argued that an agency subordinated to a ministry cannot coordinate other ministries, or that, in general, prevention carried out by the police is a stressful factor for pupils and students, and prevention carried out with other specialists is preferable, after 22 years of failures of the National Anti-Drug Agency.

The same anti-drug activists criticize the criminal policy in Romania, which registers criminal cases for drug consumption in tiny quantities, so that the Directorate for the Investigation of Organized Crime and Terrorism Offences within the Public Ministry has over 32,000 cases with this type of offense, more than the number of similar criminal cases in Italy, a country that has a population 3 times larger and that seizes much larger quantities of drugs than Romania. The conclusion is that the increase in drug consumption is due to the failure of prevention work, mainly in schools and colleges (Amariei, 2025)

6. Tax evasion crimes have experienced a significant decrease, 1,803 defendants in 2014, compared to 607 defendants in 2023. There is no explanation for this decrease, given that the tax

collection rate is below 30%, other than that the activity of ANAF inspectors is not firm enough in discovering tax evasion crimes.

7. Money laundering offenses have also experienced significant decreases: only 63 defendants sent to trial in 2023, compared to 299 in 2014. It is necessary that the criminal investigation bodies specialized in this field of activities carry out a thorough analysis together with the Money Laundering Office.

8. Environmental crimes are almost non-existent: after one defendant was brought to trial in 2014 and 2015, 2 defendants in 2017, 6 defendants were brought to trial for environmental crimes in 2023. This is despite numerous discoveries made by journalists regarding waste imports and their burning in localities near the capital.

9. Smuggling crimes have experienced a worrying and unjustified decrease, given that in 2014 416 defendants were brought to justice, respectively 1,263 in 2015, in 2023 only 169 were brought to justice.

10. The number of juvenile defendants sent to trial has experienced an insignificant increase, 3,194 in 2023, compared

to 2,966 in 2014, so we can speak of a certain stability of juvenile delinquency, which can be accepted from a criminological point of view, since the number of juvenile delinquents is relatively stable.

Conclusions

A.The state of crime in Romania in the period 2014-2023 included is stable with a slight downward trend. High-violence crime is under the strict control of the authorities, with murder representing 6.1% of crimes against the person, rape 4.6%, and manslaughter 7.1%. Domestic violence is also reduced, representing 2.2% of the total number of those prosecuted. Crimes against property, representing 20.4% of the total number of individual defendants prosecuted, are experiencing a downward trend of about 5% compared to 2014. The fact that the criminal situation has remained stable over a period of a decade highlights the correct functioning of the judicial system, which has overcome the period of adaptation to the new legislation but also to the demands of a democratic European society.

B.The analysis of the crime situation is a mandatory step for establishing and carrying out crime prevention activities (Cassin, 2003). After 1990, crime prevention became a

secondary issue in Central and Eastern European countries. In Romania, one such example is the National Anti-Drug Agency, which was abolished for inefficiency and replaced with another body that was intended to be more efficient.

Prevention must address two target groups: the population with criminogenic risk, where prevention must be carried out by authorities: administration, police, justice, etc. and the population without obvious criminogenic risk, where prevention must be carried out by specialized non-governmental organizations, mass media and other bodies that aim to warn and positively influence the population without obvious criminogenic risk.

However, prevention activities must be monitored and analyzed at a central level by bodies specialized in criminological research. Unfortunately, in Romania there is no longer a criminological institute that carries out such activities, and within the Institute of Legal Research, where a criminological research center operated for many years, at this moment such a scientific body no longer exists.

C. The activity of the criminal investigation bodies is well organized and with appropriate results. However, the large stock of cases and the insufficient activity in sectors such as combating illicit drug trafficking and consumption, tax evasion, money laundering, environmental crimes are noteworthy. These

are areas that require special attention, high specialized training and a working methodology at the level of Western states. Preventive activities are left to civil society, with the judicial bodies no longer having any implications, which we consider to be an inadequate way of working.

Condition analysis

Regarding cases with unknown perpetrators, new methods need to be introduced to facilitate the reduction of the stock of 467,061 cases.

The general conclusion is that the lifting of the Cooperation and Verification Mechanism was made as a result of the continuous and sustained progress of the Romanian judicial system, which has proven that it applies new legislation fairly, at the level of other European states, and that it is able to keep the criminal situation under control.

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